

27535. Misbranding of Nash's Pain-Go and Nash's Carbolic Salve. U. S. v. 91 Bottles of Nash's Pain-Go and 70 Boxes of Nash's Carbolic Salve. Default decree of condemnation and destruction. (F. & D. Nos. 38450, 38451. Sample Nos. 13636-C, 13637-C.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and also false and misleading claims regarding their alleged antiseptic properties. The labeling of the Pain-Go was further objectionable because of the false and misleading statement "Snake Oil"; and that of the so-called Carbolic Salve since the name conveyed the impression that the product consisted wholly of phenol and a medium, whereas it contained ingredients other than phenol and a medium.

On or about October 27, 1936, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91 bottles of Nash's Pain-Go and 70 boxes of Nash's Carbolic Salve at Greenville, Miss., alleging that the articles had been shipped in interstate commerce on or about November 3, 1935, by Nash Bros. Drug Co. from Jonesboro, Ark., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Pain-Go consisted essentially of kerosene with small proportions of volatile oils such as turpentine and sassafras oils, and that the carbolic salve consisted essentially of petrolatum with small proportions of phenol, camphor, rosin, and boric acid. Bacteriological tests showed that the articles were not antiseptic.

The Pain-Go was alleged to be misbranded in that the statements (bottle) "antiseptic" and (carton and bottle) "snake oil" were false and misleading since they represented that the article was antiseptic and that it consisted of snake oil; whereas it was not antiseptic and did not consist of snake oil. The carbolic salve was alleged to be misbranded in that the following statements (carton) "Carbolic Salve" and (label) "Antiseptic Dressing," were false and misleading since they represented that the article consisted of phenol, yellow wax, and petrolatum, and that it was antiseptic; whereas it did not consist of phenol, yellow wax, and petrolatum, and was not antiseptic. The articles were alleged to be misbranded further in that the following statements appearing in the labeling, regarding their curative and therapeutic effects, were false and fraudulent: (Pain-Go, bottle) "Pain-Go * * * Apply in cases of pain," (carton) "Pain-Go * * * unequaled as a rubbing oil for pains and rheumatism and as an external application for * * * stiff joints * * * etc. * * * toothache— * * * bunions and headaches. Pain-Go is indicated to temporarily relieve pain in treatment of rheumatism, * * * lumbago, cuts * * * Sore throat, stiff joints, sore feet, * * * etc.", "Relieves pain"; (carbolic salve, carton) "For * * * General Use," (label) "Antiseptic Dressing for Cuts, * * * salt rheum, tetter, eczema, fever, sores, * * * boils, fellons, pimples."

On May 25, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27536. Misbranding of Poochie Worm Remover. U. S. v. 325 Cases of Poochie Intestinal Worm Remover and Conditioner. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 38532. Sample No. 15100-C.)

This product was short weight and contained less fat and less protein than declared. The label bore false and fraudulent curative and therapeutic claims.

On November 13, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 325 cases of Poochie Worm Remover and Conditioner at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 15, 1936, by Poochie Products Co., from Tulsa, Okla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Poochie recommended as an intestinal worm remover and conditioner * * * Manufactured by Poochie Products Co., Tulsa, Oklahoma."

Analysis showed that the article consisted essentially of water, oats, meat, hair, charcoal, and a small amount of fish oil, together with small amounts of chlorides and phosphates of sodium and calcium.